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09/849,454	05/04/2001	David J. Thomsen	33362.8002US	8656

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EXAMINER

SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 02/13/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,454

Applicant(s)

THOMSEN, DAVID J.

Examiner

John L Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. In response to the amendment filed November 24, 2003, claim 19 is cancelled and claims 1-18 and 20-25 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1,2-3,7-16,21-22,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al (US 5,727,950) in view of RealPlayer (www.real.com, RealPlayer Basic, November 8, 1999).

Regarding claim 1, Cook et al discloses a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course (Col 37, lines 32-51 and Fig 3), providing one or more executable application to the client computer relevant to the selected course (Col 37, lines 40-46), providing a virtual picture frame (Examiner accepts applicant's description of a virtual picture frame as a display configured in conjunction with a Browser and may include online information, information from executable applications, or both) including one or more links to executable applications and text which requires a user to access one or more of the applications, receiving a request at the client computer to access an application through the virtual picture frame, and executing the requested application (Table 1 and Fig. 3). Cook et al does not specifically disclose a virtual picture frame that is distinct from a browser interface, stored and executed on a client computer wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both. However, the Real Player basic application is downloadable from the network and installed locally on a client machine, is distinct from a browser interface, and wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both (RealPlayer Basic, pages 1-3). Therefore, it would have been obvious to one of ordinary skill in the art to provide a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course, providing one or more executable application to the client computer relevant to the selected course, providing a virtual picture frame including one or more links to executable applications and text which requires a user to access one or more of the applications, receiving a

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request at the client computer to access an application through the virtual picture frame, and executing the requested application as disclosed by Cook et al with a virtual picture frame that is distinct from a browser interface, stored and executed on a client computer wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both as disclosed by RealPlayer for the purposes of providing access to multiple sources of materials while minimizing the wait time for a user attempting to use a local application with information downloaded from networked sources.

Regarding claims 7-14, Cook et al discloses a virtual picture frame as shown in figures 3-4, in which links and active portions of the frame may be provided in a number of ways such as through the use of icons or alternatively by displayed text, links, graphics, multimedia, or any type of displayed information (Col 37, lines 52-63) including links to executable functions (Col 37, lines 55-61). The manner of disposition of the links and active portions of the screens is a matter of design choice on the part of the frame designer, and the executables attached to the active links on the screen are a matter of choice based upon the requirements for a given educational experience.

Regarding claim 2, Cook et al discloses a method and system that receives a client selection from a plurality of remote educational courses (Col 37, lines 30-42 and Table 1). Cook et al does not specifically disclose that one of those courses covers the educational content of compensation and benefits. However, it is a matter of design choice on the part of the administrator of the system disclosed by Cook et al as to the number and type of choices for educational content available in the course catalogue links made available to clients of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to provide a means for a client to select, as one of a plurality of courses, an educational course whose content covered the areas of compensation and benefits.

Regarding claims 3 and 24, Cook et al discloses a system in which course material may comprise text, audio, video, graphics or multimedia information (Col 37, lines 52-64). Cook et al does not specifically disclose that this information contains graphs, spreadsheets, examples and simulations. However, the basic building blocks for the said graphs, spreadsheets, examples and simulations consist of text, audio, video, graphics or multimedia files allowing the system disclosed by Cook et al to produce, as required by the course selected, graphs, spreadsheets, examples and simulations so as to further the educational experience of the client. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide graphs, spreadsheets, examples and simulations from the communication types available to the system disclosed by Cook et al as required so as to further the educational experience of the client.

Regarding claims 15, 16 and 22 Cook et al discloses a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course (Col 37, lines 33-39 and Table 1), providing one or more executable application to the client computer relevant to the selected course (Col 37, lines 44-51 and Fig 3), a data storage device with a database from which relevant material is retrieved (Col 39, lines 4-13) providing a virtual picture frame including one or more links to executable applications and text which requires a user to access one or more of the applications (Col 37, lines 5-21), receiving a request at the client computer to access an application through the virtual picture frame, and provides customizable problems when executing the requested application

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(Col 40, lines 24-46). Cook et al does not specifically disclose that the virtual picture frame and the browser are displayed simultaneously, a virtual picture frame that is distinct from a browser interface, stored and executed on a client computer wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both, or one or more buttons with associated links to network available resources or locally executable applications. However, the Real Player basic application is downloadable from the network and installed locally on a client machine, is distinct from a browser interface, and wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both, and one or more buttons with associated links to network available resources or locally executable applications (RealPlayer Basic, pages 1-3). Also, the user starts the ES, the display system disclosed by Cook et al (Col 37, lines 1-13) either as a system management procedure or through the use of a browser (Col 37, line 34). Therefore, it would have been obvious to one of ordinary skill in the art to provide a virtual picture screen and a browser to be displayed simultaneously, providing one or more executable application to the client computer relevant to the selected course, a data storage device with a database from which relevant material is retrieved, providing a virtual picture frame including one or more links to executable applications and text which requires a user to access one or more of the applications, receiving a request at the client computer to access an application through the virtual picture frame, and provides customizable problems when executing the requested application as disclosed by Cook et al with a virtual picture frame application that is distinct from a browser interface, and wherein the virtual picture frame application causes a display of online information, information from one

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or more locally stored applications, or a combination of both as taught by RealPlayer for the purposes of providing greater flexibility to the users of the system.

Regarding claim 21, Cook et al discloses a system in which downloading applications is dependent on answers provided during the completion of online problems or exercises (Col 12, lines 35-65).

Regarding claim 25, Cook et al discloses a computer-readable medium with a data structure for displaying educational course information comprising providing a client selection for a remote educational course (Col 37, lines 32-44), receiving course material including text, receiving a multiple-section virtual picture frame, receiving one or more executable applications (Col 37, lines 40-51) and presenting a virtual picture frame with buttons or links requiring a user to access applications via presented links (Fig. 3), receiving a request from a user through a link to access and execute a requested executable application (Col 37, lines 5-21). Cook et al does not specifically disclose a virtual picture frame that is distinct from a browser interface, stored and executed on a client computer wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both. However, the Real Player basic application is downloadable from the network and installed locally on a client machine, is distinct from a browser interface, and wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both wherein at least a portion of the executable code is downloaded onto the client computer at the same time the online course material is provided (RealPlayer Basic, pages 1-3). Therefore, it would have been obvious to one of ordinary skill in the art to provide a computer-readable medium with a data structure for

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displaying educational course information comprising providing a client selection for a remote educational course, receiving course material including text, receiving a multiple-section virtual picture frame, receiving one or more executable applications, presenting a virtual picture frame with buttons or links requiring a user to access applications via presented links, receiving a request from a user through a link to access and execute a requested executable application as disclosed by Cook et al wherein a browser interface, stored and executed on a client computer wherein the virtual picture frame application causes a display of online information, information from one or more locally stored applications, or a combination of both in which at least a portion of the executable code is downloaded onto the client computer at the same time the online course material is provided as taught by RealPlayer for the purposes of minimizing the experienced delay between a request and response from the networked system in the user's educational experience.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al in view of RealPlayer in further view of Slider et al (6,505,031).

Regarding claim 18, Cook et al discloses providing access to the networked system through a browser interface (Col 37, lines 54). Cook et al does not specifically disclose that access to links on the virtual picture frame may include one or more URLs for accessing information on the World Wide Web. However, Slider et al teaches a remote education experience that accesses and displays educational information at the request of students by clicking on links provided on screen displays for downloading information from web pages (Col 14, lines 8-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide access to links on the virtual picture frame may include one or more

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URLs for accessing information on the World Wide Web for the purposes of providing a large information and educational resource to users connected to the networked educational system.

5. Claims 4, 6, 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al in view of RealPlayer in further view of Fields et al (US 6,347,943 B1).

Regarding claims 4,17,20, and 23, Cook et al/RealPlayer discloses a method and system in which a virtual picture frame, including links to a plurality of executable applications, for an educational tutorial system is downloaded to a client computer (Fig. 3 and Col 37). Cook et al/RealPlayer does not specifically disclose that the frame is downloaded by an applet. However, Fields et al teaches an educational system in which the virtual embodiment of a tutorial may be downloaded to a client system through the Internet via an applet (Col 4, lines 8-24). Therefore, it would have been obvious to one of ordinary skill in the art to provide a means for downloading a virtual picture frame for an educational system as disclosed by Cook et al/RealPlayer using a method such as an applet as taught by Fields et al to provide a more readily available tutorial system for users with Internet access.

Regarding claim 6, Cook et al discloses a system in which a requested function or feature by the user or instructor is executed by the system and displayed in the active frame (Col 40, lines 24-54). Cook et al does not specifically disclose that the list of executable functions includes an active analysis application or a workshop application. However, the executables attached to the active links in the virtual frame are a matter of choice based upon the requirements for a given educational experience. Therefore, it would have been obvious to one of ordinary skill in the art to provide a system in which executable links would include links to a

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plurality of executable functions including an active analysis application or a workshop application as disclosed by Cook et al and the design choice.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al in view of RealPlayer in further view of Fields et al in further view of Slider et al.

Regarding claim 5, Cook et al/RealPlayer/Fields et al discloses providing access to the networked system through a browser interface (Col 37, lines 54). Cook et al/RealPlayer/Fields et al does not specifically disclose that access to links on the virtual picture frame may include one or more URLs for accessing information on the World Wide Web. However, Slider et al teaches a remote education experience that accesses and displays educational information at the request of students by clicking on links provided on screen displays for downloading information from web pages (Col 14, lines 8-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide access to links on the virtual picture frame as disclosed by Cook et al/RealPlayer/Fields et al may include one or more URLs for accessing information on the World Wide Web as taught by Slider et al for the purposes of providing a large information and educational resource to users connected to the networked educational system.

Response to Arguments

Applicant's arguments with respect to claims 1-18 and 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jls
February 9, 2004



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